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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,350	10/03/2003	Victor Burger	941-011545-US(PAR)	1808
2512	7590	03/02/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			TRUONG, BAO Q	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,350	Applicant(s) BURGER ET AL.	
	Examiner Bao Q. Truong	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 12-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 39 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species IV and claims 1-37 and new claims 38-39 readable thereon in the reply filed on 12/16/2005 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application can be made without "serious burden". This is not found persuasive because of two reasons. First, the applicant/applicant representative does not actually search and exam the application, so how can the applicant/applicant representative know it being made without "serious burden". Second, those Species IV, V and VI are different embodiment. In which, they are independently and patentably distinct (emphasis add).

Species V and VI show an elimination layer 47 and 55 in the second embodiment and the third embodiment. Therefore, claims 12-37 are not consideration.

However, the applicant/applicant representative has pointed out that claim 1 readable on the Species IV because of the driver circuit 24. This is found persuasive. Therefore, claims 1-7 and new claim 39 are consideration together with claims 8-11 and new claim 38.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The abstract of the disclosure is objected to because "comprises" in line 2 should be changed to --include/have--. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1-11 are objected to because of the following informalities:

Claims 1 and 6, are "a substitute capacitor" and "a substitute capacitor layer" the same? If they are, the applicant should show them in the drawing and describe in the specification.

Claims 2-7, "A lighting system" in the preamble should be changed to –The lighting system--.

Claim 8, the applicant recites "two electrodes" in line 3 and "two electrodes" in line 4. The applicant is required to show the total four electrodes in the drawing and describe them in the specification.

Claims 9-11, "A thin film" in the preamble should be changed to –The thin film--
Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Mussenden [US 6,563,271].

Regarding claim 1 and 39, Mussenden discloses a lighting system having a driver circuit [120], an EI panel regions with a capacitance, and capacitors [102, 112] (figures 1 and 2, column 2 lines 55-67, column 3 lines 1-21).

Regarding claim 2, Mussenden discloses a plurality of current flow control device [131] (figure 2, column 3 lines 22-25).

Regarding claim 3, Mussenden discloses transistors [131] with terminals (column 3 lines 25-31, column 4 lines 5-20).

Regarding claim 4, Mussenden discloses a controller [110] (figure 2).

Regarding claim 5, Mussenden discloses the panels regions and the substitute capacitors being formed in a single film (figure 1).

Regarding claims 6 and 8, Mussenden discloses the panel regions having an emission layer [16], a front electrode [14], a second electrode [20], and a substitute capacitor layer [18] (figure 1).

Regarding claim 7, Mussenden discloses the AC voltage being a battery driven step up converter [inheritance because of the cell phone, figure 3].

Allowable Subject Matter

6. Claims 9-11 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 9, the emission layer is in between a front electrode and a second electrode, and the substitute capacitor layer is in between the second electrode and a rear electrode.

Claims 10, 11 and 38 are dependent on claim 9.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

Response to Arguments

7. Applicant's arguments with respect to amended claims 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kahng et al. [US 5,286,517] discloses an EL panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong
Examiner
Art Unit 2875

A handwritten signature in black ink, appearing to read 'Ali Alavi', with a stylized flourish at the end.

ALI ALAVI
PRIMARY EXAMINER